

1           **SECTION 152.** 227.138 (1) (a) to (h) of the statutes are renumbered 227.138 (1r)  
2           (a) to (h).

3           **SECTION 153.** 227.138 (1g) of the statutes is created to read:

4           227.138 (1g) Within 90 days after an agency submits a retrospective economic  
5           impact analysis under sub. (2), either cochairperson of the joint committee for review  
6           of administrative rules may request an independent retrospective economic impact  
7           analysis to be prepared using the same procedure and payment methods described  
8           under s. 227.137 (4m) (am) and (b). A person preparing an independent retrospective  
9           economic impact analysis under this subsection shall prepare the independent  
10          retrospective economic impact analysis for the same rules that were the subject of  
11          the agency's analysis under sub. (1) and shall include the information that is  
12          required under sub. (1r).

13          **SECTION 154.** 227.138 (2) of the statutes is amended to read:

14          227.138 (2) An agency or person that prepares a retrospective economic impact  
15          analysis under sub. (1) or (1g) shall submit that analysis to the department of  
16          administration, to the governor, and to the chief clerks of each house of the  
17          legislature, who shall distribute the analysis to the presiding officers of their  
18          respective houses, to the chairpersons of the appropriate standing committees of  
19          their respective houses, as designated by those presiding officers, and to the  
20          cochairpersons of the joint committee for review of administrative rules. The agency  
21          or person shall also send an electronic copy of the analysis to the legislative reference  
22          bureau, in a format approved by the legislative reference bureau, for publication in  
23          the register.

24          **SECTION 155.** 227.18 (3m) of the statutes is created to read:

1           227.18 (3m) If, after holding a hearing under this section, an agency makes any  
2 changes to the proposed rule, the agency shall do all of the following:

3           (a) Review the statement of scope of the proposed rule prepared under s.  
4 227.135 to determine whether a revised statement of scope is required under s.  
5 227.135 (4).

6           (b) Review the economic impact analysis for the proposed rule prepared under  
7 s. 227.137 to determine whether a revised economic impact analysis is required  
8 under s. 227.137 (4).

9           **SECTION 156.** 227.185 of the statutes is amended to read:

10           **227.185 Approval by governor.** After a proposed rule is in final draft form,  
11 the agency shall submit the proposed rule to the governor for approval. The governor,  
12 in his or her discretion, may approve or reject the proposed rule. If the governor  
13 approves a proposed rule, the governor shall provide the agency with a written notice  
14 of that approval. No proposed rule may be submitted to the legislature for review  
15 under s. 227.19 (2) unless the governor has approved the proposed rule in writing.  
16 The agency shall notify the joint committee for review of administrative rules  
17 whenever it submits a proposed rule for approval under this section. This section  
18 does not apply to proposed rules prepared by the department of public instruction.

19           **SECTION 157.** 227.20 (3) (a) of the statutes is amended to read:

20           227.20 (3) (a) That the rule was duly promulgated by the agency.

21           **SECTION 158.** 227.20 (3) (c) of the statutes is repealed.

22           **SECTION 159.** 227.24 (1) (e) 1d. of the statutes is amended to read:

23           227.24 (1) (e) 1d. Prepare a statement of the scope of the proposed emergency  
24 rule as provided in s. 227.135 (1), obtain approval of the statement as provided in s.  
25 227.135 (2), send the statement to the legislative reference bureau for publication in

1 the register as provided in s. 227.135 (3), and hold a preliminary public hearing and  
2 comment period if directed under s. 227.136 (1). If the agency changes the scope of  
3 a proposed emergency rule as described in s. 227.135 (4), the agency shall prepare  
4 and obtain approval of a revised statement of the scope of the proposed emergency  
5 rule as provided in s. 227.135 (4). No state employee or official may perform any  
6 activity in connection with the drafting of a proposed emergency rule, except for an  
7 activity necessary to prepare the statement of the scope of the proposed emergency  
8 rule, until the governor approves the statement, if such approval is required, and the  
9 individual or body with policy-making powers over the subject matter of the  
10 proposed emergency rule ~~approve~~ approves the statement.

11 **SECTION 160.** 227.24 (1) (e) 1g. of the statutes is amended to read:

12 227.24 (1) (e) 1g. Submit the proposed emergency rule in final draft form to the  
13 governor for approval. The governor, in his or her discretion, may approve or reject  
14 the proposed emergency rule. If the governor approves a proposed emergency rule,  
15 the governor shall provide the agency with a written notice of that approval. An  
16 agency may not file an emergency rule with the legislative reference bureau as  
17 provided in s. 227.20 and an emergency rule may not be published until the governor  
18 approves the emergency rule in writing. This subdivision does not apply to proposed  
19 emergency rules of the department of public instruction.

20 **SECTION 161.** 227.26 (2) (im) of the statutes is created to read:

21 227.26 (2) (im) *Multiple suspensions.* Notwithstanding pars. (i) and (j), the  
22 committee may act to suspend a rule as provided under this subsection multiple  
23 times.

24 **SECTION 162.** 227.40 (1) of the statutes is amended to read:

227.40 (1) Except as provided in sub. (2), the exclusive means of judicial review of the validity of a rule or guidance document shall be an action for declaratory judgment as to the validity of the rule or guidance document brought in the circuit court for the county where the party asserting the invalidity of the rule or guidance document resides or has its principal place of business or, if that party is a nonresident or does not have its principal place of business in this state, in the circuit court for the county where the dispute arose. The officer or other agency whose rule or guidance document is involved shall be the party defendant. The summons in the action shall be served as provided in s. 801.11 (3) and by delivering a copy to that officer or, if the agency is composed of more than one person, to the secretary or clerk of the agency or to any member of the agency. The court shall render a declaratory judgment in the action only when it appears from the complaint and the supporting evidence that the rule or guidance document or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the agency to pass upon the validity of the rule or guidance document in question.

**SECTION 163.** 227.40 (2) (intro.) of the statutes is amended to read:

227.40 (2) (intro.) The validity of a rule or guidance document may be determined in any of the following judicial proceedings when material therein:

**SECTION 164.** 227.40 (2) (e) of the statutes is amended to read:

227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), 106.50, 106.52, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for review of decisions and orders of administrative agencies if the validity of the rule

1 or guidance document involved was duly challenged in the proceeding before the  
2 agency in which the order or decision sought to be reviewed was made or entered.

3 **SECTION 165.** 227.40 (3) (intro.) of the statutes is renumbered 227.40 (3) (ag)  
4 and amended to read:

5 227.40 (3) (ag) In any judicial proceeding other than one set out above under  
6 sub. (1) or (2), in which the invalidity of a rule or guidance document is material to  
7 the cause of action or any defense thereto, the assertion of such that invalidity shall  
8 be set forth in the pleading of the party so maintaining the invalidity of such the rule  
9 or guidance document in that proceeding. The party so asserting the invalidity of  
10 such the rule or guidance document shall, within 30 days after the service of the  
11 pleading in which the party sets forth such the invalidity, apply to the court in which  
12 such the proceedings are had for an order suspending the trial of said the proceeding  
13 until after a determination of the validity of said the rule or guidance document in  
14 an action for declaratory judgment under sub. (1) hereof.

15 **SECTION 166.** 227.40 (3) (a) of the statutes is renumbered 227.40 (3) (ar) and  
16 amended to read:

17 227.40 (3) (ar) Upon the hearing of such the application, if the court is satisfied  
18 that the validity of such the rule or guidance document is material to the issues of  
19 the case, an order shall be entered staying the trial of said proceeding until the  
20 rendition of a final declaratory judgment in proceedings to be instituted forthwith  
21 by the party asserting the invalidity of such the rule or guidance document. If the  
22 court ~~shall find~~ finds that the asserted invalidity of ~~a~~ the rule or guidance document  
23 is not material to the case, an order shall be entered denying the application for stay.

24 **SECTION 167.** 227.40 (3) (b) and (c) of the statutes are amended to read:

1           227.40 (3) (b) Upon the entry of a final order in ~~said~~ the declaratory judgment  
2    action, it shall be the duty of the party who asserts the invalidity of the rule or  
3    guidance document to formally advise the court of the outcome of the declaratory  
4    judgment action so brought as ordered by the court. After the final disposition of the  
5    declaratory judgment action the court shall be bound by and apply the judgment so  
6    entered in the trial of the proceeding in which the invalidity of the rule or guidance  
7    document is asserted.

8           (c) Failure to set forth the invalidity of a rule or guidance document in a  
9    pleading or to commence a declaratory judgment proceeding within a reasonable  
10   time pursuant to ~~such~~ the order of the court or to prosecute ~~such~~ the declaratory  
11   judgment action without undue delay shall preclude ~~such~~ the party from asserting  
12   or maintaining ~~such~~ that the rule or guidance document is invalid.

13           **SECTION 168.** 227.40 (4) (a) of the statutes is amended to read:

14           227.40 (4) (a) In any proceeding pursuant to this section for judicial review of  
15   a rule or guidance document, the court shall declare the rule or guidance document  
16   invalid if it finds that it violates constitutional provisions or exceeds the statutory  
17   authority of the agency or was promulgated or adopted without compliance with  
18   statutory rule-making or adoption procedures.

19           **SECTION 169.** 227.40 (6) of the statutes is amended to read:

20           227.40 (6) Upon entry of a final order in a declaratory judgment action under  
21   sub. (1) with respect to a rule, the court shall send an electronic notice to the  
22   legislative reference bureau of the court's determination as to the validity or  
23   invalidity of the rule, in a format approved by the legislative reference bureau, and  
24   the legislative reference bureau shall publish a notice of that determination in the

1 Wisconsin administrative register under s. 35.93 (2) and insert an annotation of that  
2 determination in the Wisconsin administrative code under s. 13.92 (4) (a).

3 **SECTION 170.** 227.46 (1) (h) of the statutes is amended to read:

4 227.46 (1) (h) ~~Make or recommend~~ Recommend findings of fact, conclusions of  
5 law and decisions to the extent permitted by law.

6 **SECTION 171.** 227.46 (2) of the statutes is amended to read:

7 227.46 (2) Except as provided in sub. (2m) and s. 227.47 (2), in any contested  
8 case which is a class 2 or class 3 proceeding, where a majority of the officials of the  
9 agency who are to render the final decision are not present for the hearing, the  
10 hearing examiner presiding at the hearing shall prepare a proposed decision,  
11 including findings of fact, conclusions of law, order and opinion, in a form that may  
12 be adopted by the agency as the final decision in the case under s. 227.47 (3). The  
13 proposed decision shall be a part of the record and shall be served by the agency on  
14 all parties. Each party adversely affected by the proposed decision shall be given an  
15 opportunity to file objections to the proposed decision, briefly stating the reasons and  
16 authorities for each objection, and to argue with respect to them before the officials  
17 who are to participate in the decision. The agency may direct whether such  
18 argument shall be written or oral. If an agency's decision varies in any respect from  
19 the proposed decision of the hearing examiner, the agency's decision shall include an  
20 explanation of the basis for each variance.

21 **SECTION 172.** 227.46 (2m) of the statutes is amended to read:

22 227.46 (2m) In any hearing or review assigned to a hearing examiner under  
23 s. 227.43 (1) (bg), the hearing examiner presiding at the hearing shall prepare a  
24 proposed decision, including findings of fact, conclusions of law, order and opinion,  
25 in a form that may be adopted by the agency as the final decision in the case under

1 s. 227.47 (3). The proposed decision shall be a part of the record and shall be served  
2 by the division of hearings and appeals in the department of administration on all  
3 parties. Each party adversely affected by the proposed decision shall be given an  
4 opportunity to file objections to the proposed decision within 15 days, briefly stating  
5 the reasons and authorities for each objection, and to argue with respect to them  
6 before the administrator of the division of hearings and appeals. The administrator  
7 of the division of hearings and appeals may direct whether such argument shall be  
8 written or oral. If the decision of the administrator of the division of hearings and  
9 appeals varies in any respect from the proposed decision of the hearing examiner, the  
10 decision of the administrator of the division of hearings and appeals shall include an  
11 explanation of the basis for each variance. The decision of the administrator of the  
12 division of hearings and appeals is a final decision of the agency subject to judicial  
13 review under s. 227.52. The department of transportation may petition for judicial  
14 review.

15 **SECTION 173.** 227.46 (3) (a) of the statutes is repealed.

16 **SECTION 174.** 227.46 (8) of the statutes is repealed.

17 **SECTION 175.** 227.47 (1) of the statutes is amended to read:

18 227.47 (1) Except as provided in sub. (2), every proposed or final decision of an  
19 agency or a hearing examiner following a hearing and every final decision of an  
20 agency shall be in writing accompanied by findings of fact and conclusions of law.  
21 The findings of fact shall consist of a concise and separate statement of the ultimate  
22 conclusions upon each material issue of fact without recital of evidence. Every  
23 proposed or final decision shall include a list of the names and addresses of all  
24 persons who appeared before the agency in the proceeding who are considered



1 parties for purposes of review under s. 227.53. The agency shall by rule establish a  
2 procedure for determination of parties.

3 **SECTION 176.** 227.47 (3) of the statutes is created to read:

4 227.47 (3) Every final decision of an agency in a contested case shall be  
5 approved, signed, and dated by the agency head and shall include a signed  
6 certification stating as follows: "I hereby certify that this decision complies with the  
7 requirements of chapter 227 of the Wisconsin Statutes and constitutes the final  
8 agency action in this matter. I further certify that this decision contains no standard,  
9 requirement, or threshold that is not explicitly required or explicitly permitted by  
10 statute or a rule that has been lawfully promulgated and that this decision contains  
11 no standard, requirement, or threshold that is more restrictive than a standard,  
12 requirement, or threshold contained in the Wisconsin Statutes."

13 **SECTION 177.** 227.57 (11) of the statutes is amended to read:

14 227.57 (11) Upon review of an agency action or decision affecting a property  
15 owner's use of the property owner's property, the court shall accord no deference to  
16 the agency's interpretation of law if the agency action or decision restricts the  
17 property owner's free use of the property owner's property.

18 **SECTION 178.** 230.08 (2) (sb) of the statutes is repealed.

19 **SECTION 179.** 238.02 (1) of the statutes is amended to read:

20 238.02 (1) There is created an authority, which is a public body corporate and  
21 politic, to be known as the "Wisconsin Economic Development Corporation." The  
22 members of the board shall consist of 6 members nominated by the governor, and  
23 with the advice and consent of the senate appointed, to serve at the pleasure of the  
24 governor; ~~3~~ 5 members appointed by the speaker of the assembly, consisting of one  
25 majority and one minority party representative to the assembly, appointed as are the

1 members of standing committees in the assembly, and one person employed in the  
2 private sector, to serve at the speaker's pleasure; and 3 4-year terms; one member  
3 appointed by the minority leader of the assembly to serve a 4-year term; 5 members  
4 appointed by the senate majority leader, consisting of one majority and one minority  
5 party senator, appointed as are members of standing committees in the senate, and  
6 one person employed in the private sector, to serve at the majority leader's pleasure  
7 4-year terms; and one member appointed by the minority leader of the senate to  
8 serve a 4-year term. The secretary of administration and the secretary of revenue  
9 shall also serve on the board as nonvoting members. The board shall elect a  
10 chairperson from among its nonlegislative voting members. A vacancy on the board  
11 shall be filled in the same manner as the original appointment to the board for the  
12 remainder of the unexpired term, if any.

13 **SECTION 180.** 238.02 (2) of the statutes is amended to read:

14 238.02 (2) A majority of the voting appointed members of the board currently  
15 serving constitutes a quorum for the purpose of conducting its business and  
16 exercising its powers and for all other purposes, ~~notwithstanding the existence of any~~  
17 ~~vacancies.~~ Action may be taken by the board upon a vote of a majority of the voting  
18 appointed members present.

19 **SECTION 181.** 238.02 (3) of the statutes is amended to read:

20 238.02 (3) A chief executive officer shall be nominated by the governor board,  
21 and with the advice and consent of the senate appointed, to serve at the pleasure of  
22 the ~~governor board~~. The board may delegate to the chief executive officer any powers  
23 and duties the board considers proper. The chief executive officer shall receive such  
24 compensation as may be determined by the board.

25 **SECTION 182.** 238.04 (15) of the statutes is created to read:

1           238.04 (15) Appoint and supervise the economic development liaison project  
2 position created in 2017 Wisconsin Act 58, section 61 (1).

3           **SECTION 183.** 238.399 (3) (a) of the statutes is amended to read:

4           238.399 (3) (a) The corporation may designate ~~not more than 30~~ any number  
5 of enterprise zones in this state.

6           **SECTION 184.** 238.399 (3) (am) of the statutes is created to read:

7           238.399 (3) (am) The corporation may not designate a new enterprise zone  
8 under par. (a) except as follows:

9           1. Before the corporation designates a new enterprise zone, the corporation  
10 shall notify the joint committee on finance in writing of the corporation's intention  
11 to designate a new enterprise zone. The notice shall describe the new zone and the  
12 purposes for which the corporation proposes to designate the new zone.

13           2. If, within 14 working days after the date of the corporation's notice under  
14 subd. 1., the cochairpersons of the joint committee on finance do not notify the  
15 corporation that the committee has scheduled a meeting to review the corporation's  
16 proposal, the corporation may designate the new enterprise zone as proposed in the  
17 corporation's notice. If, within 14 working days after the date of the corporation's  
18 notice under subd. 1., the cochairpersons of the committee notify the corporation that  
19 the committee has scheduled a meeting to review the corporation's proposal, the  
20 corporation may designate the new enterprise zone only upon approval of the  
21 committee.

22           **SECTION 185.** 238.399 (3) (e) of the statutes is repealed.

23           **SECTION 186.** 281.665 (5) (d) of the statutes is amended to read:

24           281.665 (5) (d) Notwithstanding pars. (a) to (c), during the 2017-19 and  
25 2019-21 fiscal biennium bienniums, the department shall consider an applicant to

1 be eligible for a cost-sharing grant for a project under this section if the project is  
2 funded or executed in whole or in part by the U.S. army corps of engineers under 33  
3 USC 701s.

4 **SECTION 187.** 301.03 (16) of the statutes is created to read:

5 301.03 (16) At the request of the legislature, submit to the legislature under  
6 s. 13.172 (2) a report that includes the following information and post the report on  
7 the department's website:

8 (a) If, since the previous report was submitted or during a date range specified  
9 in the request, an individual was pardoned for a crime or was released from a term  
10 of imprisonment without completing his or her sentence, the name of the individual,  
11 the pertinent crime, and the name of the person who authorized the action.

12 (b) If an individual who appears on a report submitted under this subsection  
13 is convicted of a crime, the name of that individual and the crime for which he or she  
14 was convicted.

15 **SECTION 188.** 343.165 (8) of the statutes is created to read:

16 343.165 (8) Notwithstanding subs. (1) to (4), for an applicant requesting that  
17 an identification card be provided without charge for purposes of voting, all of the  
18 following apply:

19 (a) Except as provided in par. (b), if a person is unable to provide proof of name  
20 and date of birth, and the documents are unavailable to the person, the person may  
21 make a written petition to the department for an exception to the requirements of  
22 sub. (1) (a) or (b). The application shall include proof of identity and all of the  
23 following:

24 1. A certification of the person's name, date of birth, and current residence  
25 street address on the department's form.

1           2. An explanation of the circumstances by which the person is unable to provide  
2 proof of name and date of birth.

3           3. Whatever documentation is available that states the person's name and date  
4 of birth.

5           (b) 1. If a person applies for and requests an identification card without charge  
6 for the purposes of voting and the person's proof of name and date of birth or of proof  
7 of citizenship, legal permanent resident status, conditional resident status, or legal  
8 presence is unavailable, the person may make a written petition to the department  
9 for an exception to the requirement for which proof is unavailable. The department  
10 shall provide appropriate translation for any person who is unable to read or  
11 understand the petition process instructions and related communications under this  
12 subsection or s. 343.50 (1) (c) 2. The petition shall include the person's statement  
13 under oath or affirmation of all of the following:

14           a. That the person is unable to provide proof of name and date of birth or proof  
15 of citizenship, legal permanent resident status, conditional resident status, or legal  
16 presence.

17           b. That the documents are unavailable to the person.

18           c. His or her name, date of birth, place of birth, and such other birth record  
19 information requested by the department, or the person's alien or U.S. citizenship  
20 and immigration service number or U.S. citizenship certificate number.

21           2. Upon receiving a petition that meets the requirements under subd. 1., the  
22 department of transportation shall forward the petition to the central office of its  
23 division of motor vehicles for processing. The department of transportation shall  
24 provide the person's birth record information to the department of health services,  
25 for the sole purpose of verification by the department of health services of the

1 person's birth certificate information or the equivalent document from another  
2 jurisdiction, other than a province of the Dominion of Canada, or to a federal agency  
3 for the sole purpose of verifying the person's certificate of birth abroad issued by the  
4 federal department of state, or of verifying the person's alien or U.S. citizenship and  
5 immigration service number or U.S. citizenship certificate number. The department  
6 of transportation shall open a file containing the petition and shall create therein a  
7 report with a dated record of events, including all communication to or with the  
8 applicant. The department of transportation may not complete processing of the  
9 application prior to receiving verification under this subdivision, except as provided  
10 in subd. 3.

11 3. If the department does not receive verification under subd. 2. within 30 days  
12 or receives notice under subd. 2. that the birth information provided in the  
13 application does not match that of the birth record custodian, the department shall  
14 promptly notify the person in writing of that failure to verify and request the person  
15 contact the department within 10 days. If the person does not respond within 10  
16 days, the department shall send the person a 2nd letter with substantially similar  
17 contents. If the person does not respond to the 2nd letter within 10 days and the  
18 department knows the person's telephone number, the department shall call the  
19 person on the telephone and notify the person that the birth information was not  
20 verified and request the person provide additional information within 10 days. If 30  
21 days have elapsed since the date of the first letter sent under this subdivision without  
22 contact from the person, the department shall suspend the investigation and send  
23 written notice that the person has not responded, that the department has no further  
24 leads for it to locate or obtain secondary documentation or verification of birth  
25 information, that the department has suspended its investigation or research until

1 such time as the person contacts the department, and that if within 180 days after  
2 the date of the written notice the person fails to contact the department the petition  
3 will be denied and no further identification card receipts will be issued under s.  
4 343.50 (1) (c) 2. If the person fails to contact the department within 180 days after  
5 the department suspends the investigation, the department shall deny the petition  
6 in writing and shall inform the person that the department will resume the  
7 investigation if the person contacts the department to discuss the petition.  
8 Whenever the applicant contacts the department to discuss the petition, the  
9 investigation under this subdivision shall begin anew, notwithstanding any prior  
10 denial due to the person's failure to timely respond. The applicant shall act in good  
11 faith and use reasonable efforts to provide additional information that could  
12 reasonably lead the department to discover correct birth information or secondary  
13 documentation as described in subd. 3g., to assist the department in processing the  
14 application. The department shall investigate the petition and any additional  
15 information provided under this subdivision with prompt and due diligence and shall  
16 use reasonable efforts to locate and obtain the secondary documentation by pursuing  
17 leads provided by the person. Investigations may only be completed within the  
18 division of motor vehicles' central office by employees whose regular job duties  
19 include investigation and fraud detection and prevention. If the investigation  
20 discovers new or corrected birth information, the department of transportation shall  
21 resubmit the new or corrected birth information to the department of health services  
22 for verification under subd. 2. The department of transportation shall pay any  
23 actual, necessary fees required by the record custodian to obtain the secondary  
24 documentation.

1           3g. If the department of health services does not verify the birth record  
2 information within 30 days, the department of transportation may issue an  
3 identification card to the person only if the department of transportation receives  
4 verification under subd. 2., if the person provides proof of name and date of birth or  
5 proof of citizenship, legal permanent resident status, conditional resident status or  
6 legal presence, or if the department of transportation receives other secondary  
7 documentation acceptable to the department of transportation and deemed  
8 sufficient under subd. 3., which may include the following:

- 9           a. Baptismal certificate.
- 10          b. Hospital birth certificate.
- 11          c. Delayed birth certificate.
- 12          d. Census record.
- 13          e. Early school record.
- 14          f. Family Bible record.
- 15          g. Doctor's record of post-natal care.
- 16          h. Other documentation deemed acceptable to the department of  
17 transportation, within the department's reasonable discretion.

18           4. In this paragraph, "proof of citizenship, legal permanent resident status,  
19 conditional resident status or legal presence" means any of the following:

- 20          a. A U.S. state or local government issued certificate of birth.
- 21          b. Valid U.S. passport.
- 22          c. Valid foreign passport with appropriate immigration documents, which shall  
23 include or be accompanied by federal form I-94, arrival and departure record.
- 24          d. Certificate of U.S. citizenship.
- 25          e. A U.S. Certificate of naturalization.



1           f. Valid department of homeland security/U.S. citizenship and immigration  
2 services federal form I-551, resident alien registration receipt card, issued since  
3 1997.

4           g. Valid department of homeland security/U.S. citizenship and immigration  
5 services federal form I-688, temporary resident identification card.

6           h. Valid department of homeland security/U.S. citizenship and immigration  
7 services federal form I-688B or I-766, employment authorization document.

8           i. Valid department of homeland security/U.S. citizenship and immigration  
9 services federal form I-571, refugee travel document.

10          j. Department of homeland security/U.S. citizenship and immigration services  
11 federal form I-797, notice of action.

12          k. Department of homeland security/transportation security administration  
13 transportation worker identification credential.

14          L. A U.S. department of state reception and placement program assurance  
15 form (refugee version), which shall include or be accompanied by federal form I-94,  
16 arrival and departure record.

17          m. Documentary proof specified in s. 343.14 (2) (es), that is approved by the  
18 appropriate federal authority.

19          5. In this paragraph, "proof of identity" means a supporting document  
20 identifying the person by name and bearing the person's signature, a reproduction  
21 of the person's signature, or a photograph of the person. Acceptable supporting  
22 documents include:

23           a. A valid operator's license, including a license from another jurisdiction,  
24 except a province of the Dominion of Canada, bearing a photograph of the person.

25           b. Military discharge papers.

1 c. A U.S. government and military dependent identification card.

2 d. A valid photo identification card issued by Wisconsin or another jurisdiction,  
3 except a province of the Dominion of Canada, bearing a photograph of the person.

4 e. A marriage certificate or certified copy of judgment of divorce.

5 f. A social security card issued by the social security administration.

6 g. Any document described under subd. 6., if it bears a photograph of the person  
7 and was not used as proof of name and date of birth.

8 h. Department of homeland security/transportation security administration  
9 transportation worker identification credential.

10 6. In this paragraph, "proof of name and date of birth" means any of the  
11 following:

12 a. For a person born in Wisconsin, a copy of the person's Wisconsin birth  
13 certificate issued and certified in accordance with s. 69.21.

14 b. For a person born in another jurisdiction, other than a province of the  
15 Dominion of Canada, a certified copy of his or her birth certificate or the equivalent  
16 document from that other jurisdiction or a certificate of birth abroad issued by the  
17 federal department of state.

18 c. A U.S. passport.

19 d. A valid, unexpired passport issued by a foreign country with federal I-551  
20 resident alien registration receipt card or federal I-94 arrival and departure record  
21 that bears a photograph of the person and identifies the person's first and last names,  
22 and the person's day, month, and year of birth.

23 e. A Wisconsin operator's license bearing a photograph of the person.

24 f. A Wisconsin identification card issued under s. 343.50, bearing a photograph  
25 of the person, other than an identification card issued under s. 343.50 (1) (c) 2.

1           g. A federal I-551 “permanent resident alien registration receipt card.”

2           h. A federal I-94 “parole edition” or “refugees version” arrival-departure  
3 record, together with a certification, on the department’s form, by the person, of the  
4 person’s name and date of birth, a copy of a federal department of state refugee data  
5 center reception and placement program assurance form and a letter from the  
6 person’s sponsoring agency on its letterhead, supporting the person’s application for  
7 a Wisconsin identification card or operator’s license and confirming the person’s  
8 identification. Applicants who are unable to provide a reception and placement  
9 program assurance form may be issued a Wisconsin identification card or operator’s  
10 license, but only after their identification has been confirmed by the U.S. citizenship  
11 and immigration services.

12           i. A U.S. certificate of naturalization.

13           j. A certificate of U.S. citizenship.

14           k. A federal temporary resident card or employment authorization card, I-688,  
15 I-688A, I-688B, and I-766.

16           L. A Native American identification card that is issued by a federally  
17 recognized tribe or a band of a federally recognized tribe, is issued in Wisconsin,  
18 includes a photograph and signature or reproduction of a signature of the person, and  
19 has been approved by the secretary for use as identification.

20           m. A court order under seal related to the adoption or divorce of the individual  
21 or to a name or gender change that includes the person’s current full legal name, date  
22 of birth, and, in the case of a name change or divorce order, the person’s prior name.

23           n. An armed forces of the U.S. common access card or DD Form 2 identification  
24 card issued to military personnel.

1           o. Department of homeland security/transportation security administration  
2 transportation worker identification credential.

3           7. In this paragraph, "unavailable" means that the applicant does not have the  
4 document and would be required to pay a government agency to obtain it.

5           (c) The administrator may delegate to the deputy administrator or to a bureau  
6 director, as described in s. 15.02 (3) (c) 2., whose regular responsibilities include  
7 driver licensing and identification card issuance, the authority to accept or reject  
8 such extraordinary proof of name, date of birth, or U.S. citizenship under this  
9 subsection.

10          (e) The denial of a petition under par. (b) is subject to judicial review in the  
11 manner provided in ch. 227 for the review of administrative decisions.

12          (f) If the administrator, or delegate described in par. (c), determines that an  
13 applicant has knowingly made a false statement or knowingly concealed a material  
14 fact or otherwise committed a fraud in an application, petition, or additional  
15 information, the department shall immediately suspend the investigation, shall  
16 notify the person in writing of the suspension and the reason for the suspension, and  
17 refer any suspected fraud to law enforcement.

18          (g) A person whose petition is suspended or denied due to a failure to respond  
19 timely may revive the petition at any time by contacting the department to discuss  
20 the petition application. If a person revives a petition, the department shall  
21 immediately issue, and shall continue to reissue, an identification card receipt to the  
22 person as provided in s. 343.50 (1) (c) 2., except that the department shall first  
23 require the person to take a photograph if required under s. 343.50 (1) (c) 2.

24          (h) The department shall grant a petition if the department concludes, on the  
25 basis of secondary documentation or other corroborating information, that it is more

1 likely than not that the name, date of birth, and U.S. citizenship provided in the  
2 application is correct.

3 **SECTION 189.** 343.50 (1) (c) of the statutes is renumbered 343.50 (1) (c) 1. and  
4 amended to read:

5 343.50 (1) (c) 1. The department may issue a receipt to any applicant for an  
6 identification card, and shall issue a receipt to an applicant requesting an  
7 identification card under sub. (5) (a) 3., which receipt shall constitute a temporary  
8 identification card while the application is being processed and shall be valid for a  
9 period not to exceed 60 days. If the application for an identification card is processed  
10 under the exception specified in s. 343.165 (7) or (8), the receipt shall include the  
11 marking specified in sub. (3) (b).

12 **SECTION 190.** 343.50 (1) (c) 2. of the statutes is created to read:

13 343.50 (1) (c) 2. If the department issues a receipt to an applicant petitioning  
14 the department under s. 343.165 (8), all of the following apply:

15 a. The department shall issue the receipt not later than the 6th working day  
16 after the person made the petition and shall deliver the receipt by 1st class mail,  
17 except that if a petition is filed or revived within 7 days before or 2 days after a  
18 statewide election the department shall issue a receipt not later than 24 hours after  
19 the petition is filed or revived and shall deliver the receipt by overnight or next-day  
20 mail. The department shall issue a new receipt to the person not later than 10 days  
21 before the expiration date of the prior receipt, and having a date of issuance that is  
22 the same as the expiration date of the prior receipt. The department shall issue no  
23 receipt to a person after the denial of a petition under s. 343.165 (8), unless the person  
24 revives an investigation. The department shall continue to reissue identification  
25 card receipts to a person unless the department cancels the identification card

1 receipt upon the circumstances specified in sub. (10), upon the issuance of an  
2 operator's license or identification card to the person, upon the person's request,  
3 upon the denial of the application, upon return to the department of a receipt as  
4 nondeliverable, upon the person's failure to contact the department to discuss the  
5 petition for a period of 180 days or more, or whenever the department receives  
6 information that prohibits issuance of an identification card under sub. (1) (c). The  
7 department shall require the person to take a photograph prior to reissuing an  
8 identification card receipt if the photograph of the person on file with the department  
9 is 8 or more years old.

10 b. An identification card receipt issued under this subdivision shall constitute  
11 a temporary identification card while the application is being processed under s.  
12 343.165 (8) and shall be valid for a period not to exceed the period specified in sub.  
13 (1) (c). The department shall clearly mark the receipt "FOR VOTING PURPOSES  
14 ONLY" as validated for use for voting as provided in ss. 5.02 (6m) (d) and 6.79 (2) (a).  
15 A receipt issued under this subsection shall contain the information specified under  
16 s. 343.17 (3), including the date of issuance, the expiration date, the name and  
17 signature of the person to whom it was issued, and, except as authorized in sub. (4g),  
18 a photograph of the individual to whom it was issued, and may contain such further  
19 information as the department deems necessary.

20 c. The department shall issue a replacement identification card receipt under  
21 subd 1. a. upon request of the person to whom it is issued if the receipt is lost or  
22 destroyed.

23 d. Notwithstanding subd. 2. a., the department shall cancel or refuse to issue  
24 an identification card receipt under this subsection upon the circumstances specified  
25 in sub. (10), upon the issuance of an operator's license or identification card to the

1 person, upon the person's request, upon the denial of the application, upon return to  
2 the department of a receipt as nondeliverable, or whenever the department receives  
3 information that prohibits issuance of an identification card under subd. 1.

4 e. Whenever any person, after receiving an identification card receipt under  
5 this subdivision, moves from the address named in the application or in the receipt  
6 issued to him or her or is notified by the local authorities or by the postal authorities  
7 that the address so named has been changed, the person shall, within 30 days, notify  
8 the department of his or her change of address. Upon receiving a notice of change of  
9 address, the department shall promptly issue a new receipt under subd. 2. a. showing  
10 the correct address and having the expiration date of the prior receipt.

11 **SECTION 191.** 343.50 (3) (b) of the statutes is amended to read:

12 343.50 (3) (b) If an identification card is issued based upon the exception  
13 specified in s. 343.165 (7) or (8), the card shall, in addition to any other required  
14 legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a  
15 marking similar or identical to the marking described in s. 343.03 (3r).

16 **SECTION 192.** 343.50 (3) (c) of the statutes is created to read:

17 343.50 (3) (c) 1. Notwithstanding par. (a), the department may issue an  
18 identification card bearing a name other than the name that appears on a supporting  
19 document if the person provides evidence acceptable to the department that the  
20 person has used the name in a manner that qualifies the name as being legally  
21 changed under the common law of Wisconsin, including evidence of the person's prior  
22 name, changed name, the length of time the person has consistently and  
23 continuously used the changed name, an affirmation that the person no longer uses  
24 the prior name, and an affirmation that the person did not change his or her name  
25 for a dishonest or fraudulent purpose or to the injury of any other person. The

1 department shall mark an identification card issued under this subdivision in the  
2 manner described in s. 343.03 (3r).

3 2. Notwithstanding par. (a), the department shall approve a name change  
4 requested by a person who cannot provide supporting documentation of a lawful  
5 change of name but who does one of the following:

6 a. Provides proof of identity in the new name, and the department receives from  
7 the federal social security administration evidence or confirmation of the name  
8 change.

9 b. Applies for an identification card and provides an affidavit declaring all facts  
10 required under subd. 1. to prove a name change under the common law of Wisconsin.

11 **SECTION 193.** 601.83 (1) (a) of the statutes, as created by 2017 Wisconsin Act  
12 138, is amended to read:

13 601.83 (1) (a) ~~Subject to par. (b), the~~ The commissioner shall administer a  
14 state-based reinsurance program known as the healthcare stability plan in  
15 accordance with the specific terms and conditions approved by the federal  
16 department of health and human services dated July 29, 2018. Before December 31,  
17 2023, the commissioner may not request from the federal department of health and  
18 human services a modification, suspension, withdrawal, or termination of the waiver  
19 under 42 USC 18052 under which the healthcare stability plan under this  
20 subchapter operates unless legislation has been enacted specifically directing the  
21 modification, suspension, withdrawal, or termination. Before December 31, 2023,  
22 the commissioner may request renewal, without substantive change, of the waiver  
23 under 42 USC 18052 under which the health care stability plan operates in  
24 accordance with s. 20.940 (4) unless legislation has been enacted that is contrary to



1 such a renewal request. The commissioner shall comply with applicable timing in  
2 and requirements of s. 20.940.

3 **SECTION 194.** 601.83 (1) (b) of the statutes, as created by 2017 Wisconsin Act  
4 138, is repealed.

5 **SECTION 195.** 601.83 (1) (g) of the statutes, as created by 2017 Wisconsin Act  
6 138, is amended to read:

7 601.83 (1) (g) The commissioner may promulgate any rules necessary to  
8 implement the healthcare stability plan under this section, except that any rules  
9 promulgated under this paragraph shall seek to maximize federal funding for the  
10 healthcare stability plan and shall comply with this section and with the approval  
11 by the federal department of health and human services dated July 29, 2018. The  
12 commissioner may promulgate rules necessary to implement this section as  
13 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the  
14 commissioner is not required to provide evidence that promulgating a rule under this  
15 paragraph as an emergency rule is necessary for the preservation of the public peace,  
16 health, safety, or welfare and is not required to provide a finding of emergency for a  
17 rule promulgated under this paragraph. An emergency rule promulgated by the  
18 commissioner under this paragraph before January 1, 2019, remains in effect until  
19 it is superseded by a subsequent permanent rule.

20 **SECTION 196.** 601.83 (1) (h) of the statutes, as created by 2017 Wisconsin Act  
21 138, is amended to read:

22 601.83 (1) (h) In 2019 and in each subsequent year, the commissioner may  
23 expend no more than \$200,000,000 from all revenue sources for the healthcare  
24 stability plan under this section, unless the joint committee on finance under s. 13.10  
25 has increased this amount upon request by the commissioner. The commissioner

1 shall ensure that sufficient funds are available for the healthcare stability plan  
2 under this section to operate as described in the approval of the federal department  
3 of health and human services dated July 29, 2018.

4 **SECTION 197.** 601.83 (1) (i) of the statutes is created to read:

5 601.83 (1) (i) The commissioner shall complete and submit any reports, provide  
6 any information, and participate in any oversight activities required by the federal  
7 department of health and human services to implement and maintain the healthcare  
8 stability plan under this subchapter.

9 **SECTION 198.** 601.85 (4) of the statutes, as created by 2017 Wisconsin Act 138,  
10 is repealed.

11 **SECTION 199.** 801.50 (3) (b) of the statutes is amended to read:

12 801.50 (3) (b) All actions relating to the validity or invalidity of a rule or  
13 guidance document shall be venued as provided in s. 227.40 (1).

14 **SECTION 200.** 803.09 (2m) of the statutes is created to read:

15 803.09 (2m) When a party to an action challenges in state or federal court the  
16 constitutionality of a statute, facially or as applied, or challenges a statute as  
17 violating or preempted by federal law, as part of a claim or affirmative defense, the  
18 assembly, the senate, and the state legislature may intervene at any time in the  
19 action as a matter of right by serving a motion upon the parties as provided in s.  
20 801.14.

21 **SECTION 201.** 806.04 (11) of the statutes is amended to read:

22 806.04 (11) PARTIES. When declaratory relief is sought, all persons shall be  
23 made parties who have or claim any interest which would be affected by the  
24 declaration, and no declaration may prejudice the right of persons not parties to the  
25 proceeding. In any proceeding which involves the validity of a municipal ordinance

1 or franchise, the municipality shall be made a party, and shall be entitled to be heard.  
2 If a statute, ordinance or franchise is alleged to be unconstitutional, or to be in  
3 violation of or preempted by federal law, the attorney general shall also be served  
4 with a copy of the proceeding and, except as provided under this subsection, be  
5 entitled to be heard. If a statute is alleged to be unconstitutional, or to be in violation  
6 of or preempted by federal law, the speaker of the assembly, the president of the  
7 senate, and the senate majority leader shall also be served with a copy of the  
8 proceeding, and the assembly, the senate, and the state legislature are entitled to be  
9 heard. If the assembly, the senate, or the joint committee on legislative organization  
10 intervenes as provided under s. 803.09 (2m), the assembly shall represent the  
11 assembly, the senate shall represent the senate, and the joint committee on  
12 legislative organization shall represent the state. In an action involving the  
13 constitutionality of a statute, or challenging a statute as violating or preempted by  
14 federal law, if the joint committee on legislative organization determines at any time  
15 that the interests of the state will be best represented by special counsel appointed  
16 by the legislature, it shall appoint special counsel to represent state defendants and  
17 act instead of the attorney general and the attorney general may not participate in  
18 the action. Special counsel appointed under this subsection shall have the powers  
19 of the attorney general with respect to the litigation to which special counsel has been  
20 appointed. In any proceeding under this section in which the constitutionality,  
21 construction or application of any provision of ch. 227, or of any statute allowing a  
22 legislative committee to suspend, or to delay or prevent the adoption of, a rule as  
23 defined in s. 227.01 (13) is placed in issue by the parties, the joint committee for  
24 review of administrative rules shall be served with a copy of the petition and, with  
25 the approval of the joint committee on legislative organization, shall be made a party

1 and be entitled to be heard. ~~In any proceeding under this section in which the~~  
2 ~~constitutionality, construction or application of any provision of ch. 13, 20, 111, 227~~  
3 ~~or 230 or subch. I, III or IV of ch. 16 or s. 753.075, or of any statute allowing a~~  
4 ~~legislative committee to suspend, or to delay or prevent the adoption of, a rule as~~  
5 ~~defined in s. 227.01 (13) is placed in issue by the parties, the joint committee on~~  
6 ~~legislative organization shall be served with a copy of the petition and the joint~~  
7 ~~committee on legislative organization, the senate committee on organization or the~~  
8 ~~assembly committee on organization may intervene as a party to the proceedings and~~  
9 ~~be heard.~~

10 **SECTION 202.** 809.13 of the statutes is amended to read:

11 **809.13 Rule (Intervention).** A person who is not a party to an appeal may  
12 file in the court of appeals a petition to intervene in the appeal. A party may file a  
13 response to the petition within 11 days after service of the petition. The court may  
14 grant the petition upon a showing that the petitioner's interest meets the  
15 requirements of s. 803.09 (1) ~~or, (2), or (2m).~~

16 **SECTION 203.** Subchapter VIII (title) of chapter 893 [precedes 893.80] of the  
17 statutes is amended to read:

18 **CHAPTER 893**

19 **SUBCHAPTER VIII**

20 **CLAIMS AGAINST GOVERNMENTAL**  
21 **BODIES, OFFICERS AND EMPLOYEES;**  
22 **ACTIONS ALLEGING A STATUTE IS**  
23 **UNCONSTITUTIONAL OR**  
24 **OTHERWISE INVALID**

25 **SECTION 204.** 893.825 of the statutes is created to read:

1           **893.825 Actions alleging a statute is unconstitutional or in violation of**  
2           **or preempted by federal law. (1)** In an action in which a statute is alleged to be  
3           unconstitutional, or to be in violation of or preempted by federal law, the attorney  
4           general shall be served with a copy of the proceeding and, except as provided in sub.  
5           (2), is entitled to represent the state and be heard.

6           **(2)** In an action in which a statute is alleged to be unconstitutional, or to be in  
7           violation of or preempted by federal law, the speaker of the assembly, the president  
8           of the senate, and the senate majority leader shall also be served with a copy of the  
9           proceeding and the assembly, the senate, and the joint committee on legislative  
10          organization are entitled to be heard.

11          **SECTION 205.** 2017 Wisconsin Act 59, section 9145 (4w) is repealed.

12          **SECTION 206. Nonstatutory provisions.**

13          **(1) REQUIREMENTS FOR EXISTING CHILDLESS ADULTS MEDICAL ASSISTANCE**  
14          **RECIPIENTS.** Notwithstanding the requirement in s. 49.45 (23b) to begin as soon as  
15          practicable after October 31, 2018, all of the following apply to the demonstration  
16          project under s. 49.45 (23) and (23b):

17                (a) The 48-month eligibility period for current recipients of Medical Assistance  
18                under s. 49.45 (23) who are not participating in an activity that qualifies as a  
19                community engagement activity begins no sooner than October 31, 2019, or no  
20                sooner than the first of the month when the eligibility of a recipient has been  
21                established, if all beneficiaries who will be subject to the community engagement  
22                activity requirement have been adequately notified.

23                (b) The requirement for current recipients of Medical Assistance under s. 49.45  
24                (23) to complete a health risk assessment applies no sooner than October 31, 2019.

*Insert nonstat T30  
138-1*

(2) WISCONSIN HEALTHCARE STABILITY PLAN 2019 PAYMENT PARAMETERS.

Notwithstanding 2017 Wisconsin Act 138, SECTION 11 (1), for the 2019 benefit year, the commissioner of insurance shall set as payment parameters for the healthcare stability plan under subch. VII of ch. 601 an attachment point of \$50,000, a coinsurance rate of 50 percent, and a reinsurance cap of \$250,000. The commissioner of insurance may not adjust the payment parameters for the 2019 benefit year.

(3) DRUG TESTING AND TREATMENT IMPLEMENTATION DEADLINE. The department of health services shall implement the substance abuse screening, testing, and treatment under s. 49.791 by no later than October 1, 2019, and before implementation shall comply with s. 20.940 (3) (c) as if the screening, testing, and treatment under s. 49.791 is a request approved on the effective date of this subsection.

(4) REQUESTS FOR APPROPRIATION TRANSFERS. During the 2018-19 fiscal year, the department of workforce development may submit to the joint committee on finance one or more requests to transfer moneys from the appropriation account under s. 20.445 (1) (b) to the appropriation accounts under s. 20.445 (1) (dg) and (e) for the purpose of funding the grant programs under ss. 106.13 (3m) and 106.272. If the committee approves a request in whole or in part, the committee may transfer moneys without making any of the findings required under s. 13.101 (4).

(5) INTERVENTION BY ASSEMBLY, SENATE, AND JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION. The assembly, senate, and joint committee on legislative organization may intervene as permitted under s. 803.09 (2m) in any litigation pending in state or federal court on the effective date of this subsection. If the joint committee on legislative organization intervenes and appoints special counsel to represent state defendants as set forth under s. 806.04 (11) or 893.825, the attorney general shall

1 notify the court of the substitution of counsel by special counsel appointed by the joint  
2 committee on legislative organization to represent the state defendants and may not  
3 participate in the action.

4 (6) WEDC; STAGGERING OF INITIAL TERMS. Notwithstanding the length of terms  
5 specified for the members of the board of directors of the Wisconsin Economic  
6 Development Corporation under s. 238.02 (1), the initial members appointed by the  
7 speaker and minority leader of the assembly and the majority leader and minority  
8 leader of the senate beginning on the effective date of this subsection shall be  
9 appointed for terms expiring as follows:

10 (a) The terms of 2 members appointed by the speaker of the assembly, the  
11 member appointed by the assembly minority leader, 2 members appointed by the  
12 senate majority leader, and the member appointed by the senate minority leader,  
13 shall expire on October 1, 2022.

14 (b) The terms of one member appointed by the speaker of the assembly and one  
15 member appointed by the senate majority leader shall expire on October 1, 2024.

16 (7) WEDC; CURRENT BOARD MEMBERS. The members of the board of directors of  
17 the Wisconsin Economic Development Corporation serving at the pleasure of the  
18 speaker of the assembly and senate majority leader on the day before the effective  
19 date of this subsection shall continue to serve at pleasure pending the appointment  
20 of members under sub. (6), but may not serve after January 6, 2019, unless appointed  
21 under sub. (6).

22 (8) INDIVIDUAL INCOME TAX RATES. The secretary of administration shall exclude  
23 from the calculation under s. 16.518 (2) all additional revenue deposited in the  
24 general fund that is attributable to a decrease in individual income tax rates under

in the 2018-19 fiscal year

an increase in the sales and  
use taxes reported

## SECTION 209

1           **SECTION 209. Effective dates.** This act takes effect on the day after  
2 publication, except as follows: *Highway funding transfer - CS*

3 *OK* ✓ (1) STATE AND LOCAL HIGHWAY PROJECTS. The treatment of ss. 20.395 (2) (fq),  
4 84.54, and 86.51 and SECTIONS 205 and 208 (6) of this act take effect on July 1, 2019.

5 *OK* ✓ *32* (2) AGENCY PUBLICATIONS. The treatment of s. 227.05 takes effect on the first day  
6 of the 7th month beginning after publication. *Refake*

7 *42* (3) WISCONSIN HEALTHCARE STABILITY PLAN. The treatment of s. 601.85 (4) takes  
8 effect on December 31, 2018.

9 (END)

*CS*  
[ (2) Requirements for highway projects. The treatment of ss. 84.54 and 86.51  
and Section 208 (6) of this act take effect on July 1, 2019.  
*CS*

*OS*  
↓  
*ar. q.v.*  
and SECTION 208(1)  
of this act



## 9 GUBERNATORIAL APPROVALS

1 (2) GROUP INSURANCE BOARD. The treatment of s. 15.07 (1) (b) 24. first applies  
2 to a member of the group insurance board who is appointed by the governor on the  
3 effective date of this subsection.

4 (3) STATEMENT OF SCOPE OF PROPOSED RULES. The treatment of ss. 227.135 (3),  
5 227.185, and 227.24 (1) (e) 1d. and 1g., the renumbering and amendment of s.  
6 227.135 (2), and the creation of s. 227.135 (2) (a) 2. first apply to a proposed rule or  
7 emergency rule whose statement of scope is submitted to the legislative reference  
8 bureau for publication under s. 227.135 (3) on the effective date of this subsection.

9 (4) FINAL DECISION OF AN AGENCY <sup>DECISIONS IN CONTESTED CASES.</sup> The treatment of ss. 227.46 (1) (h), (2), (2m),  
10 (3) (a) and (8) and 227.47 (1) and (3) first applies to requests for hearings made on  
11 the effective date of this subsection. PASS-THROUGH ENTITIES (5)

12 (5) TAX-OPTION CORPORATIONS The treatment of ss. 71.05 (6) (a) 14. and (10)  
13 (dm), 71.07 (7) (c), 71.21 (6), 71.36 (1), 71.365 (4m), and 71.775 (3) (a) 4., the  
14 renumbering and amendment of ss. 71.07 (7) (b) and 71.365 (1), and the creation of  
15 ss. 71.07 (7) (b) 3. and 71.365 (1) (b) first apply to taxable years beginning on January  
16 1, 2019, except that the treatment of ss. 71.05 (6) (a) 14. and (10) (dm), 71.07 (7) (c),  
17 71.21 (6), 71.36 (1), 71.365 (4m), and 71.775 (3) (a) 4., the renumbering and  
18 amendment of ss. 71.07 (7) (b) and 71.365 (1), and the creation of ss. 71.07 (7) (b) 3.  
19 and 71.365 (1) (b) first apply to taxable years beginning on January 1, 2018, for  
20 tax-option corporations.

21 (6) REQUIREMENTS FOR HIGHWAY PROJECTS. The treatment of ss. 84.54 and 86.51  
22 first applies to projects let and aid disbursed on the effective date of this subsection.

23 (7) FINAL DECISION OF AN AGENCY. The treatment of ss. 227.46 (1) (h), (2), (2m),  
24 (3) (a) and (8) and 227.47 (1) and (3) first applies to requests for hearings made on  
25 the effective date of this subsection.


1 s. 73.03 (71), as determined by the secretary of administration in consultation with  
2 the department of revenue.

3 **SECTION 207. Fiscal changes.**

4 (1) SETTLEMENT FUNDS. Notwithstanding s. 20.001 (3) (c), from the  
5 appropriation account under s. 20.455 (3) (g), on the effective date of this subsection,  
6 there is lapsed to the general fund the unencumbered balance of any settlement  
7 funds in that appropriation account, as determined by the attorney general.

8 (2) OFFICE OF SOLICITOR GENERAL POSITIONS. In the schedule under s. 20.005 (3)  
9 for the appropriation to the department of justice under s. 20.455 (1) (gh), the dollar  
10 amount for fiscal year 2018-19 is decreased by \$320,000 to decrease the authorized  
11 FTE positions for the department by 1.0 PR solicitor general position and 3.0 PR  
12 deputy solicitor general positions on January 1, 2019.

13 (3) WORKFORCE DEVELOPMENT; WORKFORCE TRAINING APPROPRIATION DECREASE. In  
14 the schedule under s. 20.005 (3) for the appropriation to the department of workforce  
15 development under s. 20.445 (1) (b), the dollar amount for fiscal year 2018-19 is  
16 decreased by \$7,345,900.

17  (4) DEPARTMENT OF JUSTICE GIFTS AND GRANTS. Notwithstanding s. 20.001 (2) (b),  
18 any moneys encumbered under the appropriation accounts under s. 20.455 (2) (gb)  
19 and (3) (g) before the effective date of this subsection may be expended pursuant to  
20 the terms of the encumbrance.

21 **SECTION 208. Initial applicability.**

22 (1) AGENCY PUBLICATIONS. The treatment of s. 227.05 with respect to printed  
23 publications first applies to guidance documents, forms, pamphlets, or other  
24 informational materials that are printed 60 days after the effective date of this  
25 subsection.

1 represent state defendants and act instead of the attorney general and the attorney  
2 general may not participate in the action. Special counsel appointed under this  
3 subsection shall have the powers of the attorney general with respect to the litigation  
4 to which special counsel has been appointed. The costs of participation in the  
5 proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and  
6 (b), except that such costs incurred by the department of justice shall be paid from  
7 the appropriation under s. 20.455 (1) (d).

8 **SECTION 4.** 165.07 of the statutes is created to read:

9 **165.07 Intervention by joint committee on legislative organization.** If  
10 the joint committee on legislative organization intervenes in an action in state or  
11 federal court as permitted under s. 803.09 (2m), the attorney general shall notify the  
12 court of the substitution of counsel by special counsel appointed by the joint  
13 committee on legislative organization and may not participate in the action.

14 **SECTION 5.** 165.08 of the statutes is renumbered 165.08 (1) and amended to  
15 read:

16 165.08 (1) Any civil action prosecuted by the department by direction of any  
17 officer, department, board, or commission, ~~shall be compromised or discontinued~~  
18 ~~when so directed by such officer, department, board, or commission.~~

19 <sup>or and</sup> ~~Any~~ <sup>Any</sup> civil action prosecuted by the department on the initiative of the  
20 attorney general, or at the request of any individual may be compromised or  
21 discontinued ~~with the approval of the governor~~ <sup>only by</sup> ~~submitting~~ <sup>submission of</sup> a proposed plan to the  
22 joint committee on finance for the approval of the committee. The compromise or  
23 discontinuance may occur only if the joint committee on finance approves the  
24 proposed plan. No proposed plan may be submitted to the joint committee on finance  
25 if the plan concedes the unconstitutionality or other invalidity of a statute, facially

1 or as applied, or concedes that a statute violates or is preempted by federal law,  
2 without the approval of the joint committee on legislative organization.

3 <sup>(2)</sup>  
3 <sup>(2)</sup> (3) In any criminal action prosecuted by the attorney general, the department  
4 shall have the same powers with reference to such action as are vested in district  
5 attorneys.

6 SECTION 6. 165.10 of the statutes, as created by 2017 Wisconsin Act 59, is  
7 amended to read:

8 **165.10 Limits on expenditure Deposit of discretionary settlement**  
9 **funds.** Notwithstanding s. 20.455 (3), before the The attorney general may expend  
10 shall deposit all settlement funds under s. 20.455 (3) (g) that are not committed  
11 under the terms of the settlement, the attorney general shall submit to the joint  
12 committee on finance a proposed plan for the expenditure of the funds. If the  
13 cochairpersons of the committee do not notify the attorney general within 14 working  
14 days after the submittal that the committee has scheduled a meeting for the purpose  
15 of reviewing the proposed plan, the attorney general may expend the funds to  
16 implement the proposed plan. If, within 14 working days after the submittal, the  
17 cochairpersons of the committee notify the attorney general that the committee has  
18 scheduled a meeting for the purpose of reviewing the proposed plan, the attorney  
19 general may expend the funds only to implement the plan as approved by the  
20 committee into the general fund.

21 SECTION 7. 165.25 (1) of the statutes is amended to read:

22 165.25 (1) REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in  
23 ss. 5.05 (2m) (a), 19.49 (2) (a), and 978.05 (5), if the joint committee on legislative  
24 organization does not intervene as permitted under s. 803.09 (2m), appear for the  
25 state and prosecute or defend all actions and proceedings, civil or criminal, in the

✓ GROUP INSURANCE BOARD.

(6) The treatment of s. 15.07 (1) (b) 24. first applies to a member of the group insurance board who is appointed by the governor on the effective date of this subsection.

(7) OFFICE OF SOLICITOR GENERAL POSITIONS. In the schedule under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455 (1) (gh), the dollar amount for fiscal year 2018-19 is decreased by \$320,000 to decrease the authorized FTE positions for the department by 1.0 PR solicitor general position and 3.0 PR deputy solicitor general positions on January 1, 2019.

~~(8) This act takes effect on July 1, 2019.~~

#### SECTION 205. Nonstatutory provisions.

(10) STAGGERING OF TERMS. Notwithstanding the length of terms specified for the members of the board of directors of the Wisconsin Economic Development Corporation under s. 238.02 (1), the initial members appointed by the speaker and minority leader of the assembly and the majority leader and minority leader of the senate beginning on the effective date of this subsection shall be appointed for terms expiring as follows:

(a) The terms of 2 members appointed by the speaker of the assembly and 2 members appointed by the senate majority leader shall expire on October 1, 2020.

(b) The terms of 2 members appointed by the speaker of the assembly, the member appointed by the assembly minority leader, 2 members appointed by the senate majority leader, and the member appointed by the senate minority leader, shall expire on October 1, 2022.

(c) The terms of one member appointed by the speaker of the assembly and one member appointed by the senate majority leader shall expire on October 1, 2024.

FISCAL  
CHANGE

Insert  
(9)

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-6073/P3insTD  
TJD:...

1           INSERT A-TJD-1

2           from moneys allocated for state operations or administrative functions  
3           END INSERT A-TJD-1

3           INSERT A-TJD-2

DHS

The bill requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If DHS is unable to fully implement the project reforms by November 1, 2019, ~~the department~~ may request from JCF an extension not to exceed 90 days in a written submission that includes a report on the progress toward implementation of the project and the reason an extension is needed, which JCF will review under its 14-day passive review process. Similarly to other waiver implementation requirements, if JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied other requirements under this bill relating to approved waiver implementation, JCF may reduce from moneys allocated for state operations or administrative functions ~~the~~ DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program.

4           END INSERT A-TJD-2

5           INSERT 13-22

6           from moneys allocated for state operations or administrative functions

7           END INSERT 13-22

8           INSERT NONSTAT TJD

9           (3) IMPLEMENTATION OF CHILDLESS ADULT DEMONSTRATION PROJECT.

10          (a) The department of health services shall implement the childless adults  
11          demonstration project reforms in accordance with s. 49.45 (23b) by no later than  
12          November 1, 2019. If the department of health services is unable to fully implement  
13          the project reforms by November 1, 2019, the department may request from the joint  
14          committee on finance an extension not to exceed 90 days in a written submission that  
15          includes a report on the progress toward implementation of the project and the

1 reason an extension is needed. If the cochairpersons of the joint committee on finance  
2 do not notify the department of health services within 14 working days after the date  
3 of the request for an extension under this subdivision <sup>2 paragraph</sup> that the committee has  
4 scheduled a meeting for the purpose of reviewing the extension request, the  
5 extension is considered granted. If, within 14 working days after the date of the  
6 request for an extension under this subdivision <sup>2 paragraph</sup>, the cochairpersons of the committee  
7 notify the department of health services that the committee has scheduled a meeting  
8 for the purpose of reviewing the extension request, the department may consider the  
9 extension granted only upon approval by the committee. The department of health  
10 services may request additional extensions under the procedure under this  
11 paragraph.

12 (b) If the joint committee on finance determines that the department of health  
13 services has not complied with the deadline under par. (a), has not made sufficient  
14 progress in implementing s. 49.45 (23) (b) <sup>2 (23b)</sup>, or has not complied with s. 20.940 (3) (c)  
15 in relation to the implementation of s. 49.45 (23) (b) <sup>2 (23b)</sup>, the joint committee on finance  
16 may reduce from moneys allocated for state operations or administrative functions  
17 the department of health services's appropriation or expenditure authority,  
18 whichever is applicable, or change the authorized level of full-time equivalent  
19 positions for the department of health services related to the Medical Assistance  
20 program. The procedures under s. 13.10 do not apply to this subsection <sup>2 paragraph</sup>.

21 END INSERT NONSTAT TJD



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5991/P1  
EVM:amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

OUT  
✓

- 1 **AN ACT to repeal** 13.489 (1m) (f), 13.489 (4) (d) and 13.489 (4m); and **to amend**  
2 84.013 (3) (ad) and 85.05 of the statutes; **relating to:** approval of major  
3 highway projects.

---

***Analysis by the Legislative Reference Bureau***

This bill eliminates a special approval process for certain major highway projects.

Current law recognizes two categories of major highway projects. In the first category, a major highway project is defined as a project that has a total cost of more than \$30,000,000 and that involves 1) constructing a new highway 2.5 miles or more in length; 2) reconstructing or reconditioning an existing highway by either relocating 2.5 miles or more of the existing highway or adding one or more lanes five miles or more in length to the existing highway; or 3) improving to freeway standards ten miles or more of an existing divided highway having two or more lanes in either direction. In the second category, a major highway project is a project having a total cost of at least \$75,000,000. For both categories of major highway projects, the total cost threshold is adjusted annually by the Department of Transportation based on an inflation index maintained by DOT.

Under current law, a major highway project in the first category, must generally receive the approval of the Transportation Projects Commission (TPC) and the legislature (generally referred to as "enumeration") before the project may be constructed. DOT may not begin preparing an environmental impact statement (EIS) or environmental assessment (EA) for a potential major highway project without TPC approval. The TPC may not recommend approval of any major highway



project unless the TPC has been notified that a final EIS or EA for the project has been approved by the Federal Highway Administration. The legislature may not enumerate any major highway project unless the TPC has recommended approval of the project.

For a major highway project in the second category, TPC approval is required, but specific legislative approval is not. Under the special procedure, DOT may prepare an EIS or EA for the project without TPC approval. However, prior to construction of the project, DOT must submit a report to TPC and request TPC approval to proceed with the project. DOT may not proceed with construction unless the project is approved by TPC. Once approved by TPC, the project is considered "enumerated" as a major highway project under the statutes.

This bill eliminates the special approval process for the second category of major highway projects. Under this bill, these projects must be approved using the process provided for the first category of major highway projects.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       ✓ **SECTION 1.** 13.489 (1m) (f) of the statutes is repealed.

2       ✓ **SECTION 2.** 13.489 (4) (d) of the statutes is repealed.

3       ✓ **SECTION 3.** 13.489 (4m) of the statutes is repealed.

4       ✓ **SECTION 4.** 84.013 (3) (ad) of the statutes is amended to read:

5           84.013 (3) (ad) Notwithstanding s. 13.489 (4) (c), any project approved by the  
6   transportation projects commission under s. 13.489 (4m) (b), 2015 stats., before the  
7   effective date of this paragraph .... [LRB inserts date].

8       ✓ **SECTION 5.** 85.05 of the statutes is amended to read:

9           **85.05 Evaluation of proposed major highway projects.** The department  
10   by rule shall establish a procedure for numerically evaluating projects considered for  
11   enumeration under s. 84.013 (3) as a major highway project. The evaluation  
12   procedure may include any criteria that the department considers relevant. The  
13   rules shall establish a minimum score that a project shall meet or exceed when

1 evaluated under the procedure established under this section before the department  
2 may recommend the project to the transportation projects commission for  
3 consideration under s. 13.489 (4). ~~This section does not apply to major highway~~  
4 ~~projects identified in s. 84.013 (3) (ad).~~

5 (END)

**(END)**



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5992/P2  
EVM:wlj&klm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

done out  
✓

1     **AN ACT** *to create* 84.03 (3) of the statutes; **relating to:** expenditure of  
2     transportation moneys received from the federal government.

---

***Analysis by the Legislative Reference Bureau***

This bill provides that, unless authorized by the Joint Committee on Finance, the Department of Transportation may not expend federal funds greater than 105 percent or less than 95 percent of the amount that is shown in the appropriation schedule for that fiscal year for certain federal highway fund appropriations for the purposes provided in the appropriations.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3     **SECTION 1.** 84.03 (3) of the statutes is created to read:  
4     84.03 (3) EXPENDITURE OF FEDERAL AID. (a) Except as provided under pars. (b)  
5     and (c), the department may not expend federal funds greater than 105 percent or  
6     less than 95 percent of the amount that is shown in the schedule for that fiscal year  
7     for each appropriation of federal funds under s. 20.395 (3) (ax), (bx), (cx), (dx), and  
8     (dy) for the purposes provided in that appropriation.

## SECTION 1

(b) The department may file a request to expend an amount greater than or less than an expenditure threshold under par. (a) with the cochairpersons of the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the department filed the request, the department may expend funds as described in the request. If, within 14 working days after the department filed the request, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the department's request, the department may expend funds as described in the request only with the committee's approval.

(c) The expenditure thresholds under par. (a) do not apply to any unencumbered federal funds carried into the balance of an appropriation from a prior fiscal year if used for the purposes of that appropriation.

**(END)**